

City Council Agenda

Council President
Larry Westerlund

Councilmembers

Andreas Borgeas
Lee Brand – Acting President
Mike Dages

Henry T. Perea
Cynthia A. Sterling
Blong Xiong

City Manager
Mark Scott

City Clerk
Rebecca E. Klisch, CMC

City Attorney
James C. Sanchez

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

The City Council welcomes you to the Council Chambers, located in City Hall, 2nd Floor, 2600 Fresno Street, Fresno CA 93721.

October 7, 2010

8:30 A.M. ROLL CALL

Invocation by Councilmember Dages

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Welcome to Sister City/Twin City Delegation from the City of Verona - Mayor's Office and Councilmember Perea

Proclamation of "ME & ED'S FRESNO CROSS CITY RACE" – Councilmember Sterling and St. Agnes Mens Club

Commendation to PARCS for receiving a Harvard University Bright Ideas Award recognizing the BEST Program for outstanding innovations in government - City Manager's Office

Proclamation "HONORING THE TENTH BI-NATIONAL HEALTH WEEK" – Councilmember Perea

The agenda and related staff reports are available on (www.fresno.gov) as well as in the office of the City Clerk. The Council meeting can also be heard live at the same web site address, or viewed live on Cable Channel 96 and re-played beginning at 8:00 p.m.

PROCESS: For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve City Council minutes of September 30, 2010

Action Taken:

Councilmember Reports and Comments

Action Taken

Approve Agenda

Action Taken:

Adopt Consent Calendar

Action Taken:

1. **CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered immediately following.

- A. Adopt California Environmental Quality Act (CEQA) Categorical Exemption and approve partial acquisition of one parcel for the amount of \$131,506 from sellers: Elizabeth Bryan and Corene Bopp, co-administrators of the estate of Florence I. Schaeffer, deceased, to construct a new water supply well on the southeast corner of E. San Jose and N. Sherman Avenues (*Property located in District 4*) – Dept. of Public Utilities
Action Taken:
- B. * **RESOLUTION** – 36th amendment to the Annual Appropriation Resolution (AAR) No. 2010-138 appropriating \$155,000 for the Herndon Town on-site water connections (*Requires 5 affirmative votes*) – Dept. of Public Utilities
Action Taken:
- C. Approve the appointment of Hanna DeGroot to the Consolidated Mosquito Abatement District – Mayor's Office
Action Taken:
- D. Adopt Finding of a Categorical Exemption per staff determination, pursuant to Section 15301 Class 1 (c) of the CEQA Guidelines, for the Herndon Avenue grind and overlay from Cedar Avenue to Willow Avenue (*Property located in District 6*) – Public Works Dept.
Action Taken:
 - 1. Award a contract in the amount of \$1,078,905.59 to Dave Christian Construction Company of Fresno for the Herndon Avenue grind and overlay from Cedar Avenue to Willow Avenue
Action Taken:

1. **CONSENT CALENDAR CONTINUED**

- E. * **BILL NO. B-38 – (Intro. 9/30/2010) (For adoption)** - Amending Subsection (c) of Section 14-2301 and Section 14-1403 of the Fresno Municipal Code relating to Veterans' permit parking and parking meters – to allow "Gold Star" family members displaying California State "Gold Star" license plates to park for free at any City of Fresno controlled parking spaces – Council President Westerlund
Action Taken:

CONTESTED CONSENT CALENDAR

9:00 A.M. #1

CITY COUNCIL

9:00 A.M. #2

GENERAL ADMINISTRATION

- A. Receive Office of Independent Review - 2010 Mid-Year Report – City Manager's Office
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS

9:45 A.M.

Economic Development update – Mayor's Office

10:15 A.M.

HEARING to consider Plan Amendment Application No. A-10-06, Rezone Application No. R-10-06, and environmental findings, filed by Lore Engineering, Inc., on behalf of Norclo, L.P., property owner, pertaining to an approximately 12.18 net acre portion of property located on the west side of N. Locan Avenue between E. Shields and E. Ashlan Avenues (***Property located in District 4***) – Development and Resource Management Department
Action Taken:

- a. Consider and adopt the environmental finding of a Mitigated Negative Declaration prepared for Environmental Assessment No. A-10-06/R-10-06/T-5971
Action Taken:
- b. **RESOLUTION** – Amending the 2025 Fresno General Plan and McLane Community Plan to change the planned land use designation of the subject property from office commercial to medium density residential
Action Taken:
- c. **BILL** – Amending the Official Zone Map to rezone the subject property from the S-L/UGM (Storage/Limited, Mini Storage Facility/Urban Growth Management) zone district to the R-1/UGM (Single Family Residential/Urban Growth Management) zone district
Action Taken:

10:30 A.M.

CONTINUED HEARING to consider Plan Amendment Application No. A-09-009 filed by John M. Dugan, Director of the Development and Resource Management Department, a request to amend Policy E-1-o of the 2025 Fresno General Plan as it relates to sidewalk requirements on private residential streets (***Citywide***)
Action Taken:

- a. Consider and adopt a Finding of a Mitigated Negative Declaration for Environmental Assessment No. A-09-009 dated April 30, 2010
Action Taken:
- b. **RESOLUTION** - Amending Policy E-1-o of the 2025 Fresno General Plan as it relates to sidewalk requirements on private residential streets
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

10:45 A.M.

JOINT MEETING WITH THE FRESNO REDEVELOPMENT AGENCY

Approve Agency minutes of September 23, 2010

Action Taken:

- A. Documents pertaining to a four-plex located at 122 N. College Avenue**
1. Adopt a finding of a Categorical Exemption per staff determination, pursuant to Section 15301 Class I of the CEQA Guidelines, for the rehabilitation of a four-plex located at 122 N. College Avenue **(Agency action)**
Action Taken:
 2. Recommend approval of an Owner Participation Agreement (OPA) between the Redevelopment Agency of the City of Fresno and Jeffrey Altimus for the redevelopment of a four-plex at 122 N. College Avenue in the Freeway-99 Golden State Corridor Redevelopment Project Area **(Agency action)**
Action Taken:

ADJOURN AGENCY

COUNCIL COMMUNICATIONS & ASSIGNMENTS

- A.** Council of Governments (COG) Swearingin, Ex-Officio/Alternate-Xiong
Council Sub-Committee Task Force for Water (Water Task Force) Borgeas, Brand, Sterling
Financial Audit Committee Borgeas, Brand, Xiong
Fresno Area Workforce Investment Corporation Westerlund
Fresno County Council of Government's Rail Consolidation Committee Xiong
Fresno County Transportation Authority (FCTA) Swearingin, Borgeas
Fresno Regional Workforce Investment Board Westerlund
Fresno County Zoo Authority Swearingin, Alternate – Westerlund
Fresno Madera Agency on Aging Board Sterling
Joint Powers Financing Authority Westerlund
Leadership Council on Ending Homelessness Brand, Sterling, Westerlund
Public Safety Joint Powers Authority Swearingin, Westerlund
San Joaquin River Conservancy Board Swearingin, Alternate – Brand
The Association for the Beautification of Highway 99 Sterling
Upper Kings Basin Integrated Regional Water Management Joint Powers Authority Borgeas
Pension Reform Task Force Borgeas, Brand, Xiong
- B.** Economic Development Corporation Serving Fresno County Ex-Officio – Borgeas
Fresno City & County Convention & Visitors Bureau (FCVB) Swearingin, Sterling
League of California Cities (Annual Meeting) Swearingin, Alternate – Borgeas
- C.** Council Appointments, Reappointments, Removals To/From City and Non-City Boards and Commissions
Action Taken:

CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, Subdivision (a)**
1. **Case Name:** Campbell-Kniss v. City of Fresno; Fresno Superior Court Case Number 09CECG02879 DSB
 2. **Case Name:** Rodolfo C. Montiel, et. al. v. City of Fresno, et. al. Fresno County Superior Court Case No. 09 CE CG 02195
Action Taken:

SCHEDULED COMMUNICATION –

1. Appearance by Angela Perkins to request Council amend the Fresno Municipal Code regarding the hours pawnbrokers may conduct business

UNSCHEDULED COMMUNICATION – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk's Office at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda.

SCHEDULED COUNCIL HEARINGS AND MATTERS

Oct.	14 -	NO MEETING – COLUMBUS DAY	
Oct.	21 -	8:30 A.M.	Presentation of P.R.I.D.E. Team Certificates for the Fall Quarter – <i>(Reception immediately following – 2nd floor foyer)</i>
Oct.	21 -	TBA	Mayor's presentation on budget
Oct.	21 -	10:00 A.M.	CONTINUED HEARING re: resolution of necessity for the partial acquisition for a public street easement property located north Blythe between Ashlan and Dakota
Oct.	26 (Tues)	2:00 P.M.	Presentation of Employee Service Awards (To be held in the Council Chambers) <i>(Reception immediately following – 2nd floor foyer)</i>
Oct.	28 -	10:00 A.M.	HEARING ordering the vacation of a portion of N. Feland Avenue between W. Dakota and N. Weber Avenues <i>(Property located in District 1)</i>
Oct.	28 -	10:15 A.M.	Presentation regarding Public Transportation Infrastructure Study (PTIS) – Transportation Dept.
Oct.	28 -	10:45 A.M.	HEARING re: Plan Amendment No. A-07-010, Rezone Application No. R-07-030, filed by North Palm Investors
Oct.	28 -	1:30 P.M.	Budget Workshop (To be held in the Council Chambers)
Nov.	1 -	9:00 A.M.	Budget Workshop (To be held in Room 2165; Meeting Room A)
Nov.	1 -	1:30 P.M.	Budget Workshop (To be held in Room 2165; Meeting Room A)
Nov.	2 -	8:00 A.M.	Budget Workshop (To be held in Room 2165; Meeting Room A)
Nov.	3 -	10:00 A.M.	Budget Workshop (To be held in Room 2165; Meeting Room A)
Nov.	3 -	1:30 P.M.	Budget Workshop (To be held in Room 2165; Meeting Room A)
Nov.	4 -	10:00 A.M.	HEARING re: CFD No. 2, Annexation No. 135, Tract No. 5279
Nov.	4 -	1:30 P.M.	Budget Workshop (Location TBD)
Nov.	5 -	9:00 A.M.	Budget Workshop (Labor Units) (To be held in Room 2165; Meeting Room A)
Nov.	5 -	1:30 P.M.	Budget Workshop (Labor Units) (To be held in Room 2165; Meeting Room A)
Nov.	8 -	TBA	Budget overflow day, if necessary
Nov.	11 -	NO MEETING – VETERANS DAY	
Nov.	12 -	TBA	Present budget revisions/information back to Council
Nov.	18 -	TBA	Council will vote on Budget
Nov.	18 -	10:00 A.M.	HEARING re: CFD No. 11 change of services for Annexation No. 11, Tract No. 5553
Nov.	25 -	NO MEETING – THANKSGIVING WEEK	
Dec.	2 -	10:00 A.M.	JOINT RDA HEARING re: Airport Area Plan Amendments
Dec.	2 -	10:15 A.M.	CONTINUED HEARING to consider adopting the 493rd amendment to the Master Fee Schedule Resolution No. 80-420 to decrease the Citywide traffic signal mitigation impact fees and to adopt a Finding of Conformity with the Master Environmental Impact Report 10130 for the City of Fresno 2025 General Plan
Dec.	9-	1:30 P.M.	HEARING re: Merger II Plan amendments